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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/498,363	02/04/2000	Yves Naoumenko	1247-0851-6V	8719

7590 03/12/2002

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Arlington, VA 22202

EXAMINER

FERGUSON, LAWRENCE D

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 03/12/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/498,363	NAOUMENKO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lawrence D Ferguson	1774	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☒ This action is FINAL.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 10-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment mailed December 20, 2001.

Claims 1-7 and 10-19 are pending.

### ***Claim Rejections – 35 USC § 103(a)***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 10-19 are rejected under 35 U.S.C. 103(a) as being obvious over De Paoli (U.S. 5,132,162) in view of Rothe et al (U.S. 5,137,770) for the reasons set forth in paragraph 4, in the previous office action, mailed September 26, 2001.

### ***Response to Arguments***

4. Applicant's arguments of rejection under 35 USC 103(a) over De Paoli (U.S. 5,132,162) in view of Roth et al. (U.S. 5,137,770) have been fully considered but are unpersuasive. Applicant states, "DePaoli lacks any description of the intercalated adhesive layer binding the sheets extending over at least a portion of the edge portion" and "there is no disclosure that such a cement element would cover the intermediate element." De Paoli teaches a glazing with an

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offset edge and teaches an adhesive may be added to the interlayer to cause adhesion to the sheets (column 3, lines 52-60). The combination of prior art teaches a cement added to a laminated glazing having glass panes, where the cement layer represents the intermediate layer within Rothe et al. Applicant argues, "Figure 4 of DePaoli clearly shows that the interlayers 22 and 23 do not extend onto the exposed edge portion." Although DePaoli does not specifically show the interlayers covering the exposed edge portion, this factor does not make the claimed invention patentable. It would have been obvious to one ordinary skill in the art to adjust the interlayers so that they cover the exposed edge since provision of adjustability, where needed, involves only routine skill in the art. Applicant reiterates how the prior art does not comprise an intermediate element; however the combination of prior art teaches an intermediate element made of metals such as aluminum and steel, which *at least* partially covers the adhesive layer. Applicant argues on page 3, the reference does not teach that "an adhesive may be added to the interlayer to cause adhesion to the rigid sheet." Examiner disagrees because the reference teaches an adhesive bonding the intermediate layers to the outer layers. Applicant argues "DePaoli is completely lacking in the idea that the glazing may be strengthened by the use of an intermediate element cooperating with an extended portion of an intercalated adhesive layer extending at least partially onto the exposed edge portion. This argument is based on the intended use of the claimed invention.

A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Applicant argues the combination of references is flawed for a variety of reasons. Applicant states there is no description in DePaoli of an intermediate element at least partially covering an intercalated adhesive layer at an exposed edge. As was pointed out before, although the interlayers of DePaoli are not disclosed partially covering an adhesive layer at an exposed edge, the interlayers of DePaoli can be modified to cover the exposed edge portion, which is of routine skill in the art to the average artisan. Applicant further argues that Rothe et al. does not possess an "intermediate element at least partially covering an intercalated adhesive layer at an exposed edge." The function of Rothe et al. was not to disclose an intermediate element at least partially covering an intercalated adhesive layer at an exposed edge, but to teach that a cement element can be adhered to an intermediate element and that the intermediate element can be made of aluminum and that these features are known to the art.

Applicant argues that the intermediate element is not made out of aluminum and Rothe provides no teaching for an intermediate element formed of a resin containing reinforcing fillers, such as glass fibers and organic fibers. Examiner respectfully disagrees due to column 11,

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lines 1-10, teaching the glass body can be cemented to a variety of materials including aluminum can comprise glass fiber.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

### ***Conclusion***

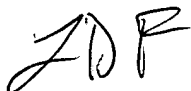
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence Ferguson whose telephone number is (703) 305-9978. The examiner can normally be reached on Monday through Friday 8:30 AM – 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (703) 308-0449. Please allow the examiner twenty-four hours to return your call.

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The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for

After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)

308-2351.



Lawrence D. Ferguson  
Examiner  
Art Unit 1774

CYNTHIA H. KELLY  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

